

TRULINCS 37630509 - DIDANI, YLLI - Unit: MIL-D-B

FROM: 37630509
TO: Fisher, Andrew
SUBJECT: NOTICE OF ASSERTION OF SPEEDY TRIAL RIGHTS
DATE: 10/09/2024 07:17:26 AM

1.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES
PLAINTIFF

CASE NO.21-CR-20264
HON: DENISE PAGE-HOOD

VS

YLLI DIDANI
DEFENDANT

NOTICE OF DEFENDANT'S ASSERTION OF RIGHT TO SPEEDY TRIAL,
NON-CONSENT TO ANY FURTHER CONTINUANCES AND OBJECTIONS
TO CONTINUANCES THAT ARE ALREADY ON THE DOCKET.

1. DEFENDANT IS CURRENTLY IN THE CUSTODY OF WARDEN RARDIN OF MILAN FEDERAL
DETENTION CENTER, LOCATED AT P.O. BOX 1000 MILAN MI. 48160, AT THE ORDER OF THE
UNITED STATES ATTORNEY, EASTERN DISTRICT.

2. THE CAUSE OF PRETEXT OF THE DETENTION IS AN INDICTMENT FROM THE U.S. DISTRICT
COURT.

3. DEFENDANT RESPECTFULLY RE-ASSERTS HIS RIGHT TO A SPEEDY TRIAL, FURTHERMORE,
DEFENDANT DOES NOT WAIVE ANY RIGHT OF ANY KIND, PRE-TRIAL, OR POST-TRIAL.

4. THE U.S. GOVERNMENT HAS VIOLATED DEFENDANT'S BASIC FUNDAMENTAL CONSTITUTIONAL
RIGHTS AND DUE PROCESS RIGHTS.

5. DEFENDANT DOES NOT CONSENT TO ANY FURTHER CONTINUANCES AND HE IS READY FOR TRIAL
IN NOVEMBER.

6. AS TO MOTION FOR MORE TIME FROM THE U.S. GOVERNMENT, DEFENDANT OPPOSES THE
ADJOURNMENT FOR THE FOLLOWING REASONS: (SEE ATTACHMENT 5 PAGES!).

7. IF THIS HONORABLE COURT GRANTS THIS ADJOURNMENT, THE DEFENDANT WISHES TO REVISIT
THE ISSUE OF BOND AND JURISDICTION AND WISHES TO HAVE HIS SPEEDY TRIAL DAYS CALCULATED
DUE TO VIOLATIONS OF HIS RIGHTS.

8. DEFENDANT OBJECTS/DISPUTES THE CONTINUANCES ALREADY ON HIS DOCKET AND WILL RAISE
THESE OBJECTIONS IN AN UPCOMING MOTION.

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RESPECTFULLY SUBMITTED!

DATE: _____

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FROM: 37630509
TO: Fisher, Andrew
SUBJECT: ANSWER TO GOVERNMENT MOTION!
DATE: 10/09/2024 07:37:19 AM

1.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES
PLAINTIFF

CASE NO. 21-CR-20264
HON. DENISE PAGE-HOOD

VS.

YLLI DIDANI
DEFENDANT

DEFENDANT'S REPONSE TO GOVERNMENT'S MOTION TO ADJOURN TRIAL
AND EXCLUDE PERIODS OF DELAY UNDER THE SPEEDY TRIAL ACT!

1. ON SEPTEMBER 25, 2024 THE GOVERNMENT REQUESTED THAT THE COURT ADJOURN THE TRIAL DATE APPROXIMATELY 90-120 DAYS, AND EXCLUDE THE PERIOD FROM NOV 5, 2024, TO THE NEW TRIAL DATE SET BY THE COURT, IN COMPUTING THE TIME IN WHICH TRIAL MUST COMMENCE UNDER THE SPEEDY TRIAL ACT, 18 U.S.C. 3161, & IN SUPPORT OF THIS MOTION, STATES:

2. THE DEFENDANT YLLI DIDANI WAS ORIGINALLY BOUGHT TO THIS DISTRICT ON A COMPLAINT. COUNT 1: 21 U.S.C. 341 AND 846; COUNT 2: CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE AND DISTRIBUTING A CONTROLLED SUBSTANCE ON BOARD A VESSEL SUBJECT TO JURISDICTION OF THE UNITED STATES OF AMERICA IN VIOLATION OF 46 U.S.C. 70503(a) AND 70506(b); COUNT 3 CONSPIRACY TO LAUNDER MONETARY INSTRUMENTS IN VIOLATION OF 18 U.S.C. 1956(h)"

3. HOWEVER ON APRIL 21, 2021. THE GRAND JURY ONLY RETURNED WITH ONE COUNT: 21 U.S.C 841 AND 846.

4. ON DEC 17 2021. THE GOVERNMENT FILED A MOTION TO SCHEDULE A TRIAL DATE AND TO EXCLUDE A PERIOD OF DELAY IN DETERMINIG SPEEDY TRIAL DEADLINE. (ECF 26) THE GOVERNMENT'S BRIEF WAS BASED ON REQUIRING CONSENT FROM PORTUGAL AND OBTAINING SKY ECC FROM FRANCE. THE GOV, REQUESTED AN EXRTENSION OF THE 3292 APPLICATION UNDER T HE SPEEDY TRIAL ACT.

SECTION 3292 PROVIDES:
(a)(1) UPON APPLICATION OF THE UNITED STATES , FILED BEFORE THE RETURN OF THE INDICTMENT, INDICATING THAT EVIDENCE(2008 US APP LEXIS 6) OF AN OFFENSE IS IN A FOREIGN COUNTRY, THE DISTRICT COURT BEFORE WHICH A GRAND JURY IS IMPANELED TO INVESTIGATE THE OFFENSE SHALL SUSPEND THE RUNNING OF THE STATUE OF LIMITATIONS FOR THE OFFENSE IF THE COURT FIND BY THE PREPONDERANCE OF THE EVIDENCE THAT AN OFFICIAL REQUEST HAS BEEN MADE FOR SUCH EVIDENCE AND THAT IT REASONABLY APPEARS, OR REASONABLY APPEARED AT THE TIME THE REQUEST

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WAS MADE, THAT SUCH EVIDENCE IS , OR WAS, IN SUCH FOREIGN COUNTRY.

5. AS THE UNITES STATES COURT OF APPEALS HAS TAUGHT US IN (UNITED STATES V KOZENY, 541 F.3d 166, 2008 US APP LEXIS 18534). EVERYTHING THAT THE GOVERNMENT IS REQUIRED TO DO ON A 3292 APPLICATION WHEN USING IT UNDER THE SPEEDY TRIAL ACT. WHY DID THE GOVERNMENT WAITED UNTIL AUGUST OF 2021 TO REQUEST THE SKY ECC EVIDENCE IN A FOREIGN COUNRTY? WHICH IN THIS CASE IS FRANCE! THIS IS BEYOND MY COMPEHENSION.

6. THE SEIZING OF SKY ECC BY BELGIUM AND DUTCH AUTHORITIES WAS DONE IN NOVEMBER OF 2020, ALMOST 4 MONTHS BEFORE THE DEFENDANT'S INDICTMENT. THE GOVERNMENT WAITED ALMOST 6 MONTHS AFTER MY INDICTMENT TO REQUEST THIS INFORMATION AGAIN IS BEYOND MY COMPREHENSION.

7. THE GOVERNMENT HAD ALL OF THE OPPORTUNITIES TO FOLLOW THE PROPER CHANNELS, BUT THEY CHOSE NOT TO. THEY INSTEAD CHOOSE TO BULLY PEOPLE!

8. CONCERNING PORTUGAL..... AS OF TODAY, PORTUGAL NEVER CONSENTED TO THE UNITED STATES JURISDICTION ON THE JENNY FLAG SHIP. THE REASON FOR THIS IS COMPLICATED TO THE GOVERNMENT BUT NOT TO PORTUGAL. UNITED STATES NEVER HAD AND COULD NEVER HAVE JURISDICTION OVER THE VESSEL WITHOUT FIRST STOPPING, BOARDING, AND SEIZING THE VESSEL ON THE HIGH SEAS. THE UNITED STATES CANNOT POSSIBLY HAVE JURISDICTION. IT DOES NOT EXIST!

9. ON APRIL 20, 2022 THE COURT ISSUED AN ORDER GRANTING THE GOVERNMENTS MOTION TO SCHEDULE A TRIAL DATE AND FINDING PERIODS OF EXCLUDABLE DELAY.

10. ON MARCH 16, 2022 THE GOVERNMENT FILED A SUPERCEDING INDICTMENT ON ME FOR COUNTS COUNTS 2 & 3 COUNT 2: 46 U.S.C. 70503(a) & 70503(b). COUNT 3: 18 U.S.C. 1956(h)

11. THIS IS ONLY CASE IN EXISTENCE WHERE A DEFENDANT, WHO HAS BEEN DETAINED SINCE APRIL 1 2021, AND ALMOST A YEAR LATER, TO BE SUPERCEDED ON AN INDICTMENT UNDER TITLE 46. A TYPICAL CASE YOU BOARD, YOU SEIZE, YOU PROSECUTE AND YOU BRING COCONSPIRATORS. THIS IS NOT HAPPENING IN MY CASE. MAYBE WE WILL HAVE THE OPPORTUNITY TO EXPLAIN THIS ISSUE YOUR HONOR.

12. AS WE GO ON. AUGUST 15, 2022 (ECF 50) THE GOVERNMENT FILED FOR ANOTHER STIPULATION AND ORDER ADJOURNING TRIAL AND EXCLUDING DELAY IN COMPUTING TIME UNDER THE SPEEDY TRIAL ACT. ALTHOUGH EVIDENCE WILL SHOW THAT I HAD NOTIFIED MY ATTORNEYS NOT TO CONSENT TO THE GOVERNMENT'S REQUEST TO ADJOURN FOR 120-180 DAYS.

13. THE GOVERNMENT CLAIMS I POSSED MULTIPLE ICLOUD ACCOUNTS AND HAD THOUSANDS OF MESSAGES. I WOULD LIKE TO REMIND THE COURT THAT 14 ICLOUD EXTRACTIONS IS IRRELVANT TO THIS COURT.

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ITS BEEN ALMOST 4 YEARS AND THE GOVERNMENT HAS YET TO SPECIFY THE PURPOSE OR IMPORTANCE OF OBTAINING MY ICLOUD ACCOUNTS. THEY ARE ONLY DUMPING MORE EXTRACTIONS AND MORE PAPERWORK WHICH ARE COMPLETELY IRRELEVANT. THE GOVERNMENT HAS FAILED TO GET TO THE POINT AND SEPERATE WHAT IS GOING TO BE USED AND WHAT IS NOT.

14. ADDITIONALLY, THE LEAD ATTORNEY FOR THE GOVERNMENT HAS A JURY TRIAL SCHEDULED ON SEPTEMBER 27, 2022 (SEE UNITED STATES V BILLY ARNOLD, 15-CR-20652-01 (HON. GEORGE CARAM STEEH). IN THAT CASE, BILLY ARNOLD IS THE LAST DEFENDANT IN A MULTI-DEFENDANT RICO TRIAL THAT IS EXPEXTED TO LAST 6 TO 8 WEEKS. SO IN A FEW WORDS BASED ON THIS INFORMATION, MY TRIAL AND BILLY ARNOLD'S TRIAL WILL BUMP HEADS, BUT AFTER RESEARCHING BILLY ARNOLD'S CASE, JUDGE STEEH HAD ENTERED A TRIAL

DATE FOR BILLY ARNOLD IN DECEMBER OF 2021. THE LEAD COUNSEL FOR THE GOVERNMENT MARK BILOVIG KNEW ALMOST A YEAR PRIOR THAT THE TWO TRIALS WOULD BUMP HEADS BUT HE CHOSE NOT TO TAKE ANY ACTIONS AND WAITED UNTIL THE LAST SECOND TO USE IT AS AN EXCUSE FOR THE JUDGE TO GRANT HIM MORE TIME.

15. IT APPEARS (ECF110) THAT THE LEAD COUNSEL FOR THE GOVERNMENT IS SCHEDULED TO BEGIN A FEDERAL MURDER FOR HIRE TRIAL ON OCT 16, 2024, BEFORE US DISTRICT COURT JUDGE BERG (UNITED STATES V JAMES DESHAWN WILLIAMS, CASE NO. 18 CR-20543) THE TRIAL IS EXPECTED TO LAST APPROXIMATELY 2 WEEKS. THE SUBJECT MATTER OF THIS TRIAL IS ALSO COMPLEX AS IT INVOLVES A MURDER FOR HIRE THAT OCCURRED IN 2016. IT APPEARS THAT JUDGE BERG ENTERED THIS TRIAL DATE ON FEBRUARY 5, 2024 (CASE NO. 18-CR-20543)(ECF 51).

16. WE AGAIN THE LEAD ATTORNEY WAS INFORMED WELL IN ADVANCE THAT THESE TWO TRIALS WOULD BE CLOSE TO EACH OTHER AND AGAIN IS CHOOSING ANOTHER TRIAL OVER MINE. IT APPEARS THAT THE LEAD ATTORNEY FOR THE GOVERNMENT MARK BILKOVIC, PRFERS EVERY OTHER CASE BEFORE MY CASE, YET HERE I SIT ALMOST 4 YEARS LATER ON A SINGLE- MAN INDICTMENT WAITING FOR TRIAL.

17. ON ECF 110, PARAGRAPH 40, THE GOVERNMENT CLAIMS THAT TO EXCLUDE TIME UNDER 18 U.S.C. 3293 TO OBTAIN EVIDENCE IN A FOREIGN COUNTRY, A SUBSTANTIAL PORTION OF THE PRIOR DELAY HAS BEEN THE RESULT OF MOTIONS FILED BY DIDANI, REQUEST BY DIDANI'S COUNSEL FOR ADDITIONAL TIME TO FILE MOTIONS AND SUPPLEMENT PLEADINGS, AND HEARINGS ON THOSE MOTIONS.

18. THIS IS INCORRECT! THE DELAY TO FILE THOSE MOTIONS IS ATTRIBUTED ONLY TO THE GOVERNMENT

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NO ONE ELSE. THE GOVERNMENT TOOK MORE THAN A YEAR TO SUPERCEDE ME AND ALMOST A YEAR AND A HALF TO PRODUCE CERTIFICATES FROM THE FOREIGN COUNTRIES. SO AGAIN, THE ATTRIBUTION OF THE DELAY SHOULD GO TO THE GOVERNMENT.

19. ON OCTOBER 19, 2022. DIDANI'S COUNSEL ENTERED 3 MOTIONS (SEE ECF 52,53,54) HOWEVER, THE GOVERNMENT, ON OCTOBER 25,2022 (ECF57) FINALLY ENTERED A MOTION FOR PRETRIAL DETERMINATION OF JURISDICTION BY THE UNITED STATES OF AMERICA AS TO YLLI DIDANI. AS THE RECORD SHOWS, THE GOVERNMENT ENTERED MULTIPLE STIPULATIONS EXTENDING TIME TO RESPOND. ONCE AGAIN LET ME REMIND THIS COURT THAT OVER A YEAR AND A HALF LATER THE GOVERNMENT REQUESTED THIS HONORABLE COURT TO DETERMINE JURISDICTION .

20. THERE IS NO CASE IN EXISTENCE WHERE THE GOVERNMENT SEEKS JURISDICTION FROM THE COURT 1 AND A HALF YEARS AFTER THE DEFENDANT HAS BEEN ARRESTED, ALSO, WHAT THE DEFENDANT HAS NOTICED IN ALL OF THESE EXTENSIONS BY THE GOVERNMENT, ONE OF THE REASONS MENTIONED BY THE GOVERNMENT IS THAT " THE ISSUES RAISED IN THE PARTIES MOTIONS ARE INVOLVED AND COMPLEX. AS A RESULT, THE PARTIES REQUIRE ADDITIONAL TIME TO RESEARCH AND DRAFT THEIR RESPONSES (ECF 60 P-ID 383). LET ME REMIND THIS COURT THAT WHEN YOU BRING A DEFENDANT UNDER MARITIME DRUG LAWS (MDLEA), THE GOVERNMENT SHOULD KNOW THE LAW AND THE REQUIREMENTS OF PROSECUTING DEFENDANT'S UNDER THESE LAWS.

21. BUT AGAIN IF YOU LOOK INTO THE HISTORY OF THE GOVERNMENTS ATTORNEY, THEY HAVE NEVER HAD ANY CASES UNDER TITLE 46 OR HAVE EVER BEEN CLOSE TO ANY CASES UNDER TITLE 46. SO OF COURSE FOR THE GOVERNMENT, THIS CASE IS COMPLEX. THE POSITION OF THE GOVERNMENT AS THEY HAVE PUT FORWARD HERE UNDER THE MDLEA WOULD BE AN INSULT TO THE 11 CIR. 9TH CIR. 2 CIR, DC CIR COURT AND TO CONGRESS, WHO HAVE AMENDED THIS LAW MORE THAN 12 TIMES SINCE 1986. AGAIN JUST BECAUSE IT IS COMPLEX FOR THE GOVERNMENT AND HIS ATTORNEYS DOES NOT MEAN IT IS COMPLEX FOR THE DEFENDANT AND HIS ATTORNEYS AND TO SAY THAT ADDITIONAL TIME AND PLEADINGS ARE ATTRIBUTED TO DIDANI AND HIS COUNSELOR WADE FINK DUE TO THIS REASON IS INCORRECT.

22. NEXT, THE GOVERNMENT GOES INTO A LOT OF DETAILS ABOUT HAVING WITNESSES FROM SOUTH AMERICA, SPAIN, AND THE NETHERLANDS. THEN THEY GO INTO ALOT OF DETAIL EXPLAINING WHY THESE WITNESSES ARE NOT HERE AND REQUIRE THE JUDGE TO GIVE FIRM DATES FOR TRIAL. THIS HONORABLE COURT GAVE 2 FIRM DATES 6 MONTHS AGO. THE FIRST DATE WAS OCTOBER 8, 2024, AND THE SECOND

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DATE WAS NOVEMBER 5, 2024. IM NOT SURE WHY THESE DATES WERE NOT FIRM ENOUGH FOR THE GOVERNMENT. IM ALSO NOT SURE WHY THEY HAVEN'T BROUGHT THEIR WITNESSES TO THE US.

23. ON JULY 1, 2024 THROUGH MLAT, THE GOVERNMENT REQUESTED MORE INFORMATION FROM SPAIN AUTHORITIES. THE REASON WAS THEY NEEDED TO OBTAIN THIS EVIDENCE BECAUSE THEY HAVE A FIRM TRIAL DATE OF OCTOBER 8, 2024, BUT IT APPEARS TO THIS COURT THAT OCTOBER 8, 2024 WAS NOT A FIRM DATE FOR TRIAL ACCORDING TO THE GOVERNMENT. ALSO WHY DIDN'T THE GOVERNMENT REQUEST THROUGH MLAT TO THE SPANISH AUTHORITIES TO HAVE THESE WITNESSES READY FOR TRIAL ON OCTOBER 8, 2024 IS BEYOND MY COMPREHENSION.

24. THE GOVERNMENT IS GOING INTO A LOT OF DETAILS ABOUT HOW MANY ICLOUD ACCOUNTS I HAVE, HOW MANY WITNESSES THEY HAVE AND HOW INEFFECTIVE I AM MAKING THIS TRIAL. HOWEVER, THE ONLY INEFFECTIVENESS IN THIS PROCESS IS ATTRIBUTED TO THE GOVERNMENT. I COULD SIT HERE AND FILE A 200 PAGE BRIEFS AND START SCREAMING INEFFECTIVENESS FROM DAY 1.. BUT YOUR HONOR I WOULD LIKE TO KEEP IT SIMPLE AND MOVE FORWARD WITH THIS PROCESS. THERE ARE 1000 REASONS WHY THIS CASE SHOULD HAVE NEVER BEEN BROUGHT IN FRONT OF THIS COURT, ESPECIALLY TO THIS DISTRICT. AT THIS POINT ALL OF MY CONSTITUTIONAL RIGHTS ARE BEING VIOLATED. WE CAN SIT HERE AND HAVE A FULL DAY HEARING ON HOW BAD THE GOVERNMENT HAS MADE THIS PROCESS. IT IS INSULTING TO ME, TO YOU, TO THE COURTS, AND TO ALL THE JUDGES AROUND THE WORLD WHO SPEND YEARS MAKING OPINIONS ABOUT MARITIME DRUG LAWS AND ABOUT WHAT THE GOVERNMENT IS REQUIRED TO DO TO PROSECUTE THESE CASES. THE GOVERNMENT IS NOW BEING ALLOWED TO SEEK EVIDENCE ALMOST YEARS AFTER MY ARREST IN SPAIN, IN HOLLAND, AND IN ENGLAND AND WE DONT KNOW WHATS NEXT. MAYBE THEY WILL SEEK EVIDENCE FROM ALIENS.

25. YOUR HONOR, I ASK YOU AND THIS COURT, WITH ALL DUE RESPECT, WHEN IS ENOUGH, ENOUGH? I HAVE NOW SPENT ALMOST 4 YEARS DETAINED IN FDC MILAN. THERE HAVE BEEN SO MANY LOCKDOWNS, HEALTH ISSUES, THAT THIS COURT IS AWARE OF. MY FAMILY IS DYING - I HAVE A MOTHER AND FATHER WITH CANCER. AND AS WE SPOKE BEFORE, THEY ARE READY TO HEAR ABOUT MY FATE. THIS COURT SHOULD HAVE NEVER UNDER NO CIRCUMSTANCES, DELAYED THIS TRIAL. HOWEVER, IF THIS COURT CHOOSES TO DELAY FURTHER, I WILL REQUEST THIS HONORABLE COURT TO GRANT AN EMERGENCY BOND HEARING AND REVISIT THE ISSUE ON THE CERTIFICATE ISSUED BY THE SECRETARY OF STATE RELATING TO SUBJECT MATTER JURISDICTION. I RESPECTFULLY SUBMIT THIS TO THE COURT!

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DATE:

10-9-2024

SIGN:

A handwritten signature in black ink, appearing to be "M. Didani", written over the "SIGN:" label.